



# WISCONSIN REGULATORY DIGEST

## A Publication of the EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

Volume 8, No. 1

June 2002

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### Board Member News

Governor Scott McCallum has appointed three new members to serve on the Social Worker Section of the Board: Jennifer Borup, CICSW; George Kamps, CICSW, and Crystal Berg.

**Jennifer Borup** has been an Assistant Professor in the Social Work Program at UW-River Falls for 15 years. Previously, Jennifer worked in corrections as a Probation and Parole Agent in WI, an Asst. Superintendent of a residential center for juvenile offenders in SC and a Probation Officer for the Iowa Division of Corrections. Jennifer is also currently managing the Western WI Partnership, which provides training for child welfare professionals.

**George Kamps** has worked for 27 years providing individual, marital and family counseling. The last 13 years, George has worked at Oneida Tribal Social Services in the areas of psychotherapy and administration, and for the past 4 years has been clinical supervisor in mental health. He specializes in working with veterans experiencing post-traumatic stress disorder. His special interest is trauma recovery for all ages.

**Crystal Berg** is an activist in community, political and educational venues. Crystal is completing her fourth term on the Hartford Union Board of Education. She has served on study teams and task forces for the Wisconsin Association of School Boards, and has served in various political organizations. Crystal graduated from the Columbia Hospital School of Nursing.

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### **Secretary Herrera Appoints New Deputy**

In January, DRL Secretary Oscar Herrera announced the appointment of **Greg Horstman** as the Deputy Secretary of Regulation and Licensing. Horstman, a La Crosse native, joined the Department from a distinguished executive management career in the private sector. "I'm excited to serve the State of Wisconsin under Governor McCallum and to play an instrumental role in Secretary Herrera's leadership team", noted Horstman. In concert with the Governor's directive to strengthen and streamline services to all constituents, Horstman will draw on his business experience to help spearhead the Department's new efforts in this area. Horstman, a graduate of the University of Wisconsin-Madison, resides in the Watertown area.

### **MFT Section Approves Rules Change**

At its February 8, 2002, meeting the Marriage and Family Therapy Section approved changes in SFC 16.03 Supervised Clinical Experience to more correctly state the expected ratio of supervision hours received to clinical hours performed. The following paragraph indicates the old wording with a line through the words being deleted and with the new wording underlined.

**SFC 16.03 Supervised Clinical Practice.** For purposes of meeting the postgraduate supervised practice requirement, 2 years of clinical practice of marriage and family therapy consists of 1,000 hours of client contact over a period of not less than 24 months. The person whose practice is being supervised shall receive a minimum of ~~50 hours~~ one hour of face-to-face supervision ~~within each 12-month period for each~~ 10 hours of supervised practice. Practice of marriage and family therapy which occurs as part of the requirements for obtaining a master's or doctoral degree in marriage and family therapy or a substantially related field shall not be considered to fulfill any part of the postgraduate supervised practice requirement.

The change states the expectation that supervision hours should be evenly received throughout an MFT's postgraduate clinical training, whether it takes two years or ten years to accrue.

Most MFT graduates plan to obtain a full-time MFT job following graduation with the intent of applying for certification within two years.

However, the inability to obtain MFT employment, inability to receive MFT supervision, and care-taking of children or parents are a few circumstances which might delay the goal.

### **Additional Rule Changes**

- SFC 4.01(1)(b) was changed to require that the following must have at least a master's degree in social work: (a) the supervisors (CICSWs and CISWs) of the two years of social work experience for applicants for certification as Independent Social Worker, and (b) the supervisors (CICSWs) of the two years of clinical social work experience for applicants for certification as Independent Clinical Social Worker. Another change made to the rule will require that supervisors other than CISWs or CICSWs must be pre-approved by the section. (The latter change will be affected by the implementation of Act 80.)
- SFC 1.05(7) was changed so that there will be no need for Social Worker applicants to retake the jurisprudence if they passed it as part of an application for another level within the previous 5 years.
- SFC 11.015 was changed so that professional counselor training certificates expire at the end of two years, or certification, or the end of supervised practice, whichever occurs first, and they may not be renewed.
- SFC 3.11 was changed so that social worker temporary certificates expire at the end of nine months, or upon notification of failure of exam results, whichever occurs first, and the certificate of a person who fails the exam must be returned to the department.
- SFC 3.13(6) was created so that courses offered by accredited colleges or universities for holders of social work training certificates to reach course equivalency may be submitted to the section in advance for approval.

### **Practice of Psychotherapy by CSWs**

The Social Worker Section continues to confront situations in which a person certified as a social worker (CSW) has engaged in the practice of psychotherapy, often, though not always, in a certified outpatient mental health clinic under the supervision of a psychologist or a psychiatrist. Although the rules of the Department of Health and Family Services may permit this, under the rules of the profession (SFC 6.01) a CSW may not engage in psychotherapeutic activities, even under supervision. The Social Worker Section has

either issued administrative warnings or imposed discipline in such situations. A CSW in that situation may have to consider surrendering his or her social worker certification.

#### **Mandatory Reporting of Child Abuse**

The mandatory child abuse reporting law (section 48.981(2) of the Wisconsin Statutes) requires a report when a marriage and family therapist, professional counselor, or social worker has reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected. Questions are occasionally received about the obligation to report suspected child abuse or neglect when the information comes from a client, but the child is not seen in the course of professional duties. The law says only that the person "may make" a report in that situation. The statute encourages reporting, but does not mandate it, unless the child is seen in the course of professional duties.

#### **Frequently-Asked Questions About Act 80 (2001 Wisconsin Act 80)**

##### **Q. What does Act 80 do?**

A. Act 80 is a relatively lengthy piece of legislation, eleven pages long, with 90 separate sections. Each section contains a discrete change to an existing law. In a nutshell, however, this act replaces certification with licensure for Marriage and Family Therapists, Professional Counselors, and Independent Clinical Social Workers. Certified Marriage and Family Therapists will become Licensed Marriage and Family Therapists (LMFT), Certified Professional Counselors will become Licensed Professional Counselors (LPC), and Certified Independent Clinical Social Workers will become Licensed Clinical Social Workers (LCSW).

##### **Q. What is the difference between certification and licensure?**

A. The terms are not strictly defined, and certain professions apply them differently, but in this context, "certification" provides only title protection (that is, it restricts the use of the titles MFT, PC, and ICSW to certificate-holders) whereas "licensure" provides practice protection as well as title protection (that is, it restricts the practice of marriage and family therapy, professional counseling, and clinical social work as well as the use of the titles).

##### **Q. When will the changes in Act 80 happen?**

A. The effective date of Act 80 is November 1, 2002.

##### **Q. What was the "Psychotherapy Bill"?**

A. The bill that became Act 80 was AB 206 as amended. It frequently was referred to as the

"Psychotherapy Bill" because it permits the practice of psychotherapy by the newly-licensed professions, while also explicitly restricting the practice of psychotherapy to those professions or to psychologists and certain other categories of people.

##### **Q. Is it true that there will be a requirement for insurance?**

A. Yes, before a person may practice psychotherapy, he or she will be required to obtain professional liability insurance. The minimum coverage amounts will be developed by the board over the next few months. Please refer to the web site, [www.drl.state.wi.us](http://www.drl.state.wi.us), for updated information.

##### **Q. How about Music, Art and Dance Therapists?**

A. Act 80 grants authority to the Department of Regulation and Licensing to promulgate rules that will permit the practice of psychotherapy by Music, Art and Dance Therapists who become licensed by meeting yet-to-be-determined criteria.

##### **Q. Are the requirements for licensure changed from the requirements for certification?**

A. Basically, no; though there are some relatively minor changes which may affect individual applicants. There is a change in the number of hours of supervised clinical practice that must be earned prior to licensure and the list of acceptable supervisors for that experience will change: for all three licensed professions, applicants will be required to acquire 3000 hours of supervised clinical experience, including at least 1000 hours of face-to-face client contact. The list of acceptable supervisors will be:

- a professional with the same credential (either LMFT, LPC or LCSW) who has a doctorate degree,
- a professional with the same credential (either LMFT, LPC or LCSW\*) who has five years of clinical experience,
- a psychiatrist,
- a psychologist, or
- another person approved for supervision, either as an individual or as a member of a category to be spelled out in rules still to be promulgated.

\*(Note that under the rule change reported on page 2 of this Digest, any supervising social worker must have at least a master's degree in social work.)

##### **Q. How will the change affect the supervised clinical practice hours that I am accruing towards certification/licensure?**

A. In the majority of cases, if your supervised practice meets current requirements, it will continue to count. Please be aware, however, that there may be exceptions, since the law has been changed. Over the next few months, rules and policies will be developed to meet the goals of (1) being fair to applicants, (2) protecting the public, and (3) satisfying the requirements of the new law. Developments in this area will be posted on the Department's Web site under "What's New".

**Q. The current social work rules permit supervision by a psychologist or psychiatrist only if supervision by an independent clinical social worker is unavailable. Will this change?**

A. Act 80 will require that the current rule be changed. Supervision by a psychologist or psychiatrist will be acceptable even if supervision by an independent clinical social worker is available. The board and the department have yet to develop a policy to answer the further question of whether supervision by a psychologist or psychiatrist prior to November 1, 2002, will become acceptable.

**Q. Who will be able to use the title "psychotherapist"?**

A. Licensed Marriage and Family Therapists, Professional Counselors, and Clinical Social Workers and licensed Music, Art and Dance Therapists, as well as Psychologists and Psychiatrists.

**Q. How will certificates be changed to licenses?**

A. Act 80 provides that any MFT, PC or ICSW who is certified in good standing on November 1, 2002 will be granted licensure. This will occur automatically, and certificate-holders will not have to "apply" for licensure.

**Q. I've heard there's a provision that relates to psychometric testing. What is that?**

A. MFTs, PCs and SWs will be allowed to engage in psychometric testing, but only under criteria to be established jointly with the Psychology Examining Board.

**Q. Does Act 80 affect AODA counselors?**

A. Not directly. Act 80 contains a provision that persons who provide AODA treatment must either be certified as a substance abuse counselor (by the Wisconsin Certification Board) or meet educational and training requirements to be developed by the new board, which will be renamed as the Marriage and Family Therapy Professional Counseling and Social Work Examining Board.

## 2002 Meeting Dates

### Social Workers Section

July 16	August 15	September 17
October 16	November 18	December 4

### Professional Counselors Section

September 12	December 12
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### Marriage & Family Therapists Section

September 18	December 3
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### Joint Board

September 18	December 3
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## www.drl.state.wi.us

Did you know that these digests, along with many other informational materials, are on the Department's Web site? Monthly press releases of disciplinary actions and complete disciplinary orders for each case are also posted on the web site. In addition, you can check on the status of a pending application or a credential holder's record. You can also e-mail an address change, question, or suggestion via the web site. Future goals for the Department will be to post applications for downloading and provide online renewal of credentials. If you haven't looked at the web site lately, check it out for insights and answers to a variety of questions.

## Disciplinary Actions

### **DALE C MELSTROM (Social Worker)**

#### **ELLSWORTH WI**

#### **REPRIMAND**

Did not renew his certification when it expired 6/30/2001. Employed an individual who was not certified as a social worker. Made no attempt to determine if that person obtained social worker certification within 6 months which he believes is appropriate. Effective 11/25/2001. Case #LS0111151SOC

### **JOANNE R SUCKOW (Advanced Practice Social Worker)**

#### **MILWAUKEE WI**

#### **REPRIMAND**

Did not use the appropriate approaches in managing a resident's behavior. Complete a day long course on the subject of anger management. Effective 10/25/2001. Sec. 457.26(2)(f), Wis. Stats. Sec. SFC 20.02(2), Wis. Admin. Code. Case #LS0110252SOC

### **JUDY ANN POLIFKA (Advanced Practice Social Worker)**

#### **ARLINGTON TX**

Submitted a report containing false and misleading information which she knew was intended to be provided to the court. She elected not to renew her certification when it expired in June of 2001, and her certification remains expired. If she seeks to renew her certification she will need to comply with terms and limitations. Effective



12/5/2001. Sec. 457.26(2)(f), Wis. Stats. SFC 20.02(7), Wis. Admin. Code. Case #LS0112051SOC

**JOSEPH F VAN BEEK (Social Worker)**

**DEPERE WI SUSPENDED**

In July, 1996, found guilty of one count of Misdemeanor Theft of movable property. In March, 1998, found guilty of 2 counts of Felony Burglary. In September, 1998, found guilty of one count of Misdemeanor Domestic battery. In September, 2000, found guilty of one count of Misdemeanor Receipt of stolen property. Suspended for an indefinite period of time. Effective 10/25/2001. Sec. 457.26(1)(b),(f),(h), Stats. Sec. SFC 20.02(2) Case #LS0108291SOC

**JAMES D HUYCKE (Independent Clinical Social Worker)**

**RACINE WI REPRIMAND**

Had a relationship with a graduate student who was completing an internship under his supervision. Complete a program in boundaries and ethics. Effective 2/12/2002. Sec. SFC 20.02(13), Wis. Admin. Code. Case #LS0202121SOC

**BRADLEY J ZERNOV (Social Worker)**

**KENOSHA WI SURRENDER**

Failed to avoid a dual relationship or a relationship that might impair his objectivity or create a conflict of interest. Engaged in sexual contact and sexual conduct with a client during, and within 2 years after termination of, professional services. Had sexual contact with the patient while she was his psychotherapy patient and within 6 months of termination of psychotherapy. Surrender of his certificate and his right to renew his certificate. Effective 10/25/2001. Secs. 457.26(2), 895.70(2)(a), 940.22(2), Stats. Sec. SFC 20.02(2),(13) Case #LS0110253SOC

**MARY JEAN STICH (Independent Clinical Social Worker)**

**WEST ALLIS WI REVOKED**

Made a material misstatement in an application for a certificate claiming she met requirements when in fact she had not. Her conduct constituted gross negligence in practice which is unprofessional conduct. An investigation found histories and physicals were not completed, quarterly charting was not completed, gaps in required information and documentation. Effective 10/25/2001. Sec. 457.26(2)(a),(f), Stats. Sec. SFC 20.02(22) Case #LS0110251SOC

**LAURIE A SHERMAN (Social Worker)**

**MILWAUKEE WI**

Obtained prescription medication from a client without authorization. If she renews her license she

must provide proof that she does not suffer from any psychological condition which impairs her ability to function as a social worker. Effective 3/14/2002. SFC 20.02(2), Wis. Admin. Code. Case #LS0203141SOC

**VIRGIL C JOINER (Social Worker)**

**MILWAUKEE WI SUSPENDED**

Failed to report her 1983 conviction for public assistance fraud on her application for certification as an independent clinical social worker. By engaging in psychotherapy while holding a certificate as a social worker she performed social work services. Convicted of offenses that substantially relate to the practice of social work. Her right to renew her certificate to practice as a social worker is suspended for a minimum of two years. Effective 4/16/2002. Sec. 457.26(2)(a),(b),(f),(g),(h), Wis. Stats. SFC 6.01, 20.02(2),(4),(22), Wis. Admin. Code. Case #LS0204161SOC

**THOMAS J VALLE (Social Worker)**

**HURLEY WI SURRENDER**

Engaged in sexual contact and sexual conduct with a client, and within 2 years after termination of professional services. Effective 12/5/2001. Sec. 457.26(2)(h), Stats. SFC 20.02(11), Wis. Admin. Code. Case #LS0112052SOC

**JAMES D VAN DOREN (Independent Clinical Social Worker)**

**MARINETTE WI REPRIMAND**

Failed to maintain adequate records relating to services provided to clients in the course of a professional relationship. Effective 2/12/2002. Sec. 457.26(2)(f), Wis. Stats. Sec. SFC 20.02(18), Wis. Admin. Code. Case #LS0202123SOC

**ANNETTE JEAN WESLEY (Independent Clinical Social Worker)**

**CORDOVA AK SURRENDER**

Allowed her daughter (age 16), who had been sexually abused previously, to engage in sexual intercourse with several individuals (ages 19, 19, 30) in her home. Allowed these individuals to live with her and her daughter. After court ordered restrictions, moved to Alaska with daughter and, despite the court's prohibition, two of the individuals moved with them. Daughter was sent back to WI, and placed in foster care. Neither admits nor denies allegations. Agrees to surrender license. Effective 2/12/2002. Sec. 457.26(2)(h), Wis. Stats. Sec. SFC 20.02(2), Wis. Admin. Code. Case #LS0202122SOC

Wisconsin Department of  
Regulation and Licensing  
Examining Board of SWMFTPC  
P.O. Box 8935  
Madison, WI 53708-8935

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To discuss temporary license questions:	press 1 - 3
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To renew or reinstate a permanent license:	press 2 - 1
To renew a temporary license:	press 2 - 2
To obtain proof of licensure to another state:	press 3 - 1
To find out if a person is licensed:	press 3 - 2
To file a complaint on a license holder:	press 8
To check the status of complaints:	press 8
For all other licensing questions:	press 1 - 3

**VERIFICATIONS**

Verifications are now available online at [www.drl.state.wi.us](http://www.drl.state.wi.us). On the Department Web site, please click on "License Lookup". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be made in writing -- please include \$10 payable to the Department.

**2002 SWMFTPC BOARD MEETINGS:**

June 13, July 16, August 15, September 17,  
October 16, November 18, December 4.

**DID YOU KNOW THAT YOU CAN ACCESS  
MOST INFORMATION ON THE DEPARTMENT  
OF REGULATION & LICENSING WEB SITE?**

Visit the Department's Web site at:

**[www.drl.state.wi.us](http://www.drl.state.wi.us)**

Send comments to: [web@drl.state.wi.us](mailto:web@drl.state.wi.us)

**CHANGE OF NAME OR ADDRESS?**

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

**WISCONSIN STATUTES AND CODE**

Copies of the Wisconsin Statutes and Administrative Code relating to the Practice of Social Workers, Marriage and Family Therapists and Professional Counselors can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition of the Code Book is dated March 2002.